

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-81-D

DANIELLE A. CARTER,

Plaintiff,

v.

LCA OVERLOOK AT SIMMS
CREEK, LP, and OVERLOOK AT
SIMMS CREEK APARTMENTS,

Defendants.

ORDER

On May 3, 2018, Magistrate Judge Jones issued a Memorandum and Recommendation ("M&R") and recommended that plaintiff's application to proceed in forma pauperis be granted and that the complaint be dismissed without prejudice for lack of subject-matter jurisdiction [D.E. 8]. On May 16, 2018, plaintiff filed objections to the M&R [D.E. 9].

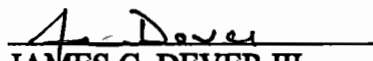
"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff's objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear

error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo. Plaintiff failed to establish subject-matter jurisdiction, and her objections are overruled.

In sum, plaintiff's application to proceed in forma pauperis [D.E. 1] is GRANTED, plaintiff's objections to the M&R [D.E. 9] are OVERRULED, and plaintiff's complaint [D.E. 1-1] is DISMISSED without prejudice for lack of subject-matter jurisdiction.

SO ORDERED. This 7 day of June 2018.


JAMES C. DEVER III
Chief United States District Judge